

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Shimkets *et al.*
FOR: *Novel Polypeptides and Nucleic Acids Encoding Same*

September 22, 2003
Boston, Massachusetts

00746 U.S. PRO
10/667723
09/22/03

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR FILING A CONTINUING UTILITY APPLICATION
UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).
(Check the appropriate boxes and supply the requisite information)
This application is a:
☐ Continuation; ☒ Divisional; ☐ Continuation-in-part of prior application U.S.A.N. 09/715,417.
2. Priority to the above application(s) is claimed under:
☒ 35 U.S.C. §120
Prior application information:
Examiner: Richard G. Hutson; Group Art Unit: 1652.
☐ 35 U.S.C. §119
Priority of application Serial No. _____, filed on _____ in _____ is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior application U.S.S.N. ____/____,____ on [Date].
☐ The certified copy will follow.

APPLICATION ELEMENTS:

3. ☒ Specification and Drawings (Total pages: 130):
Specification (127 pages); Claims (2 pages); and Abstract (1 page).
4. ☒ Nucleotide and/or Amino Acid Sequence Submission:
☒ *Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the instant application is to be identical to that filed in application U.S.S.N. 09/715,417, filed December 14, 2001. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.
☒ *Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application.
5. ☐ Microfiche Computer Program (*Appendix*)
6. ☒ Oath or Declaration (Total pages: 3):
(a) ☐ Newly executed (original)
(b) ☒ Copy from a prior application (37 C.F.R. §1.63(d))

INVENTOR:

Shimkets *et al.***Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))**

7. ☒ Incorporation by Reference (*can use if Box 6(b) is checked*)
 The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ACCOMPANYING APPLICATION PARTS:

8. ☐ English Translation Document (*if applicable*)
9. ☒ Information Disclosure Statement (IDS)
☒ Copy of IDS and PTO-1449, filed May 1, 2001 (3 pages);
☒ Copy of Supp. IDS and PTO-1449, filed October 1, 2001 (3 pages);
☒ Copy of Supp. IDS and PTO-1449, filed February 22, 2002 (2 pages);
☒ Copy of Supp. IDS and PTO-1449, filed April 22, 2002 (3 pages); and
☒ Copy of PTO-1449, filed February 6, 2003 (1 page)
☐ Copies of references cited
10. ☒ Reassertion of Small Entity Status (37 CFR 1.27(c)(4))
☒ Small Entity status was claimed in the parent application, and is still proper and desired under 37 CFR 1.27(c)(4).
11. Fee Calculation:

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$750.00
Total Claims (37 C.F.R. 1.16(c))	13	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. 1.16(b))	5	- 3 =	2	\$84.00	\$168.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$280.00	\$0.00
				SUBTOTAL:	\$918.00
				Reduction by 50% for filing by small entity:	\$459.00
				TOTAL FEE:	\$459.00

12. ☒ A check (#17200) in the amount of **\$459.00** is enclosed.
13. ☐ Deletion of Inventor(s)
 This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
☐ DELETE the following inventor(s) named in the prior nonprovisional application:

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
14. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 15966-606DIV (Cura-106DIV).
☒ Fees required under 37 C.F.R. §1.16;
☒ Fees required under 37 C.F.R. §1.17;
☒ Fees required under 37 C.F.R. §1.18.

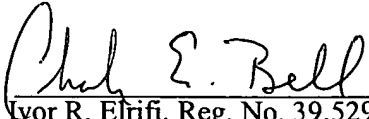
INVENTOR: Shimkets *et al.*
Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))

15. ☒ Return Receipt Postcard Enclosed.

Respectfully submitted,

Dated: September 22, 2003

for:

 Reg. No. 48, 128

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicants

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